

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

Case No.

11-CV-07330 (GBD)

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

**NOTICE OF APPEAL
IN A CIVIL CASE**

-against-

TREMONT GROUP HOLDINGS, INC., *et al.*,

Defendants.

JOINT NOTICE OF APPEAL

TO THE DISTRICT COURT AND ALL PARTIES, INTERESTED
PERSONS, AND ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that (1) Lakeview Investment, LP (“Lakeview”), (2) Phoenix Lake Partners, L.P. (“Phoenix Lake”), (3) 2005 Tomchin Family Charitable Trust (“Tomchin” and, together with Lakeview and Phoenix Lake, the “XL Fund Appellants”), (4) Edward L. White, for himself and on behalf of White Trust dated May 3, 2002 (“White”), and (5) Rigdon O. Dees, III (“Dees” and, together with White, the “Prime Fund Appellants”), by filing this joint notice of appeal, hereby

1 appeal to the United States Court of Appeals for the Second Circuit from the
2 Judgment of Dismissal entered as Docket No. 36 in 11-CV-07330 (GBD) on June
3 28, 2012 (the “Final Judgment”), and from all interim orders and other matters
4 embraced by, or otherwise pertaining to, the Final Judgment and adversely affecting
5 any of their interests. Attached as Exhibit A hereto is a copy of the Final Judgment.
6

7 The XL Fund Appellants and the Prime Fund Appellants (collectively, the
8 “Rye Appellants”) file this joint notice appeal from the Final Judgment, and from all
9 interim orders and other matters embraced by, or otherwise pertaining to, the Final
10 Judgment and adversely affecting any right or interest of one or more of the Rye
11 Appellants, including but not limited to the district court’s Memorandum Decision
12 and Order dated June 27, 2012 (*see* Docket No. 35), as Rye Appellants are entitled
13 to do pursuant to Rule 4(a) of the Federal Rules of Appellate Procedure.
14

15 Dated: July 27, 2012

16 By: /s/ Benjamin Rozwood
17 S. BENJAMIN ROZWOOD
18 ROZWOOD & COMPANY, APC
19 503 North Linden Drive
20 Beverly Hills, CA 90210
21 Tel: (310) 246-1451
22 Fax: (310) 246-9786

23 Counsel for Lakeview Investment, LP,
24 Phoenix Lake Partners, L.P., 2005 Tomchin
25 Family Charitable Trust, Edward L. White,
26 for himself and on behalf of White Trust
27 Dated May 3, 2002, and Rigdon O. Dees, III
28

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

-----X
IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

-against-

TREMONT GROUP HOLDINGS, INC., et al.,
Defendants.

-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/28/12

11 **CIVIL** 7330 (GBD)

JUDGMENT

The Tremont defendants/appellees having moved to dismiss the appeal, and the matter having come before the Honorable George B. Daniels, United States District Judge, and the Court, on June 26, 2012, having rendered its Memorandum Decision and Order granting the Tremont defendants/appellees motion to dismiss the appeal, it is,

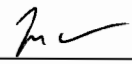
ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Memorandum Decision and Order dated June 26, 2012, the Tremont defendants/appellees motion to dismiss the appeal is granted.

Dated: New York, New York
June 28, 2012

RUBY J. KRAJICK

Clerk of Court

BY:



Deputy Clerk